

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
TK HOLDINGS INC., et al.,	:	Case No. 17-11375 (BLS)
	:	Adv. Proc. No. 18-50274 (BLS)
Debtors.	:	
	:	Jointly Administered
	:	
JOYSON SAFETY SYSTEMS	:	
ACQUISITION LLC,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 20-896-RGA
	:	Bankruptcy BAP No. 20-16
AUTOMOTIVE COALITION FOR	:	
TRAFFIC SAFETY, INC.,	:	
	:	
Appellee.	:	

**RECOMMENDATION**

At Wilmington this **30<sup>th</sup>** day of **July, 2020**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The parties previously conducted a mediation in November 2018 before the

Honorable James Holderman, former Chief Judge of the U.S. District Court for the Northern District of Illinois. Mediation was unsuccessful.

The parties do not agree regarding whether this matter should be removed from mandatory mediation or the productiveness of the first mediation. An issue involved is an ownership question of patents, which was also part of the first mediation. The ownership question is the central issue in this matter, rather than monetary recuperation.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Through this Recommendation, the parties are advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
Chief U.S. Magistrate Judge Mary Pat Thyng